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AS

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/451,628	11/30/99	TEPMAN	A AMAT/4285/MD

IM52/0827

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EXAMINER

ALEJANDRO MULERO, L

ART UNIT	PAPER NUMBER
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1763

11

DATE MAILED: 08/27/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/451,628

Applicant(s)

TEPMAN ET AL.

Examiner

Luz L. Alejandro

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 2,3,6 and 23-27 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5 and 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Election/Restrictions

Applicant's election of group I in Paper No. 8 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Newly submitted claims 23-27 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: the invention of claim 23 is a subcombination of claim 1. In a combination-subcombination restriction, the inventions are distinct if both of the following can be shown: 1) the subcombination does not require the particulars of the combination and 2) the combination does not require the particulars of the subcombination. In this case, 1) the subcombination does not require the load lock chambers or the transfer chamber and 2) the combination does not require the plurality of chamber interfaces disposed about a perimeter of the facility interfaces.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 23-27 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 5, 7, 9-11, and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Rubin et al., U.S. Patent 4,852,516.

Rubin et al. is applied as stated in paper #6, with respect to claims 1 and 5, mailed 9/27/00 for the reasons of record.

Claims 1, 4-5, and 7 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by Maher et al., U.S. Patent 4,715,921.

The rejection is maintained as stated in paper #6, with respect to claims 1 and 4-5, mailed 9/27/00 for the reasons of record.

Claims 1, 4-5, 7, 9-11, 13-16, and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Lei et al., U.S. Patent 6,083,321.

The rejection is maintained as stated in paper #6, with respect to claims 1 and 4-5, mailed 9/27/00 for the reasons of record.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al., U.S. Patent 4,852,516.

The rejection is maintained as stated in paper #6 mailed 9/27/00 for the reasons of record.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lei et al., U.S. Patent 6,083,321 or Maher et al., U.S. Patent 4,715,921.

Both Lei et al. and Maher et al. are applied as above but lack explicit anticipation of a transfer chamber containing six access ports.

However, Lei et al. and Maher et al. both describe a multitude of access ports connecting the process chambers and the transfer chamber as described above. In view of these disclosures, it would have been obvious to one of ordinary skill in the art at the time the invention was made to form at least six access ports in the transfer chamber of Lei et al. and Maher et al. depending upon the particular process flow being conducted.

Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Lei et al., U.S. Patent 6,083,321.

Lei et al. is applied as above but lacks anticipation of the chamber tray mounted separately to the transfer chamber.

Lei et al. discloses a variety of configurations of the gas delivery system 10 which includes both the plumbing and chamber trays and how they are mounted (see column 4, lines 8-40). In view of this disclosure, it would have been obvious to one of ordinary skill in the art at the time the invention was made to mount the chamber tray to the transfer chamber based upon a preferred design choice.

Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rubin et al., U.S. Patent 4,852,516.

Rubin et al. is applied as above but lacks anticipation of the particular wafer handling means including a lift and a pedestal. In response, the examiner takes official notice that these are well known types of wafer handling techniques and would have been obvious to implement in the primary reference of Rubin et al..

Response to Arguments

Applicant's arguments filed 3/29/01 have been fully considered but they are not persuasive. Applicant argues with respect to Rubin et al. that it does not show the invention of claim 1. The examiner respectfully disagrees because in its current form Rubin et al. reads on claim 1. The examiner agrees that Rubin et al. does not show the

invention as shown in the figures of the instant claimed invention, but claim 1 is broadly worded to read on Rubin et al.. Furthermore, any of the individual chambers of Rubin et al. can be considered a "transfer chamber" since the wafer is physically being moved from one side to the other. Claim 1 does not distinguish between processing a single substrate and processing multiple substrates and therefore this distinction is not important. With respect to the remaining rejections and references applicant merely recites that features of the claims are not shown without pointing out where or how the reference fails to point out these features. The examiner believes that a prima facie case has been made for all the rejections.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

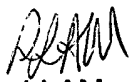
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Luz L. Alejandro whose telephone number is 305-4545. The examiner can normally be reached on Monday to Thursday from 8:30 to 6:00 and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Mills, can be reached on 308-1633. The fax phone numbers for the organization where this application or proceeding is assigned are 305-3599 for regular communications and 305-3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 308-0661.


LLAM
August 24, 2001


GREGORY MILLS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700